

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MARK BREAKIRON,	:	
Petitioner	:	
	:	Civil Action No. 00-300
v.	:	
	:	Judge William L. Standish
MARTIN HORN, et al.,	:	
Respondents	:	THIS IS A CAPITAL CASE

**UNOPPOSED MOTION FOR BRIEF EXTENSION TO FILE REPLY TO
PETITIONER'S MOTION FOR SUMMARY JUDGMENT**

Respondents, through their attorneys, submit the following motion for brief extension of time to file their response to petitioner's motion for summary judgment.

1. The respondents reply to the petitioner's motion for summary judgment was due on December 9, 2005.

2. Unfortunately, respondents require a few extra days to complete and file their response to the petitioner's motion.

3. Petitioner's were originally scheduled to file their motion for summary judgment by November 10, 2005. However, this Court granted the petitioner's request for a five-day extension of time to complete and file their motion.

4. Respondents request a short extension – until December 15, 2005 – to complete and file their reply to petitioner's motion for summary judgment.

5. Counsel for the petitioner previously represented to the undersigned that he would have no objection to a short extension of time to allow the respondents file their reply to the motion for summary judgment.

WHEREFORE, the respondents respectfully request that their motion for a brief extension of time to file their reply to petitioner's motion for summary judgment be granted.

THOMAS W. CORBETT, JR.
Attorney General

BY: *[s] Christopher D. Carusone*
CHRISTOPHER D. CARUSONE
Senior Deputy Attorney General
Attorney ID# 71160

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Date: December 11, 2005

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ORDER

AND NOW, this _____ day of _____, 2005, the respondents' unopposed motion for brief extension of time to file their reply to the petitioner's motion for summary judgment is GRANTED. Respondents' reply shall be due on or before December 15, 2005.

BY THE COURT:

Honorable William Standish, J.

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CERTIFICATE OF SERVICE

AND NOW, this 11th day of December 2005, I, Christopher D. Carusone, Senior Deputy Attorney General, counsel for respondents in the above-captioned matter, hereby certify that I this day served the foregoing **Unopposed Motion for Extension of Time to File Reply to Petitioner's Motion for Summary Judgment** by causing a copy of the same to be transmitted *via* email, addressed as follows:

**James Anderson, Esquire
Assistant Federal Public Defender
Capital Habeas Corpus Unit
1450 Liberty Center
1001 Liberty Avenue
Pittsburgh, PA 15222-3714
James Anderson [James_Anderson@fd.org]
(Counsel for Petitioner)**

_____/s/ Christopher D. Carusone
CHRISTOPHER D. CARUSONE
Senior Deputy Attorney General